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April 30, 2004

Date of Deposit

G. Peter Nichols

Name of applicant, assignee or
Registered Representative

Signature

April 30, 2004

Date of Signature

PATENT

659/1744 (K-C 13366.4)

(f/k/a 11302-0424)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wang et al.

Serial No.: 09/629,678

Filed: August 1, 2000

For: BLEND COMPOSITIONS OF
AN UNMODIFIED POLY VINYL
ALCOHOL AND A THERMOPLASTIC
ELASTOMER

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PROVISIONAL PETITION TO REVIVE

Commissioner for Patents
P.O. Box 1450 – Mail Stop Issue Fee
Alexandria, VA 22313-1450

Sir:

Applicants provisionally petition to revive the subject application, if such petition is warranted. The fee under 37 C.F.R. § 1.17(m) is enclosed.

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The facts surrounding the circumstances are set forth below. A Final Office Action was mailed November 13, 2002. A response was mailed February 12, 2003. An Advisory Action was mailed March 17, 2003, in which the rejection of the claims was maintained. An RCE was filed April 14, 2003 apparently without a proper submission under 37 C.F.R. § 1.114. A Notice of Improper Request for Continued Examination was mailed May 21, 2003. Before the Applicants previous attorney of record received the Notice, a Preliminary Amendment was filed May 22, 2003. Unfortunately, the Preliminary Amendment was due no later than May 14, 2003 to timely respond to the Final Office Action. Therefore, it appears that the subject application was unintentionally abandoned, although the U.S. P.T.O. did not treat it as such.

These circumstances were discovered by the undersigned attorney of record when his Firm was reviewing the file for purposes of Patent Term Adjustment because a Notice of Allowance was issued on February 4, 2004.

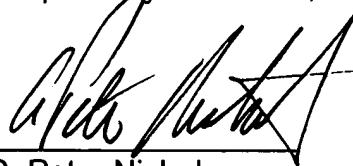
Applicants state that the entire delay in filing the required reply from the due date (May 14, 2003) until the filing of this petition was unintentional. It is believed that a Terminal Disclaimer is not required.

Because the Patent Office never treated the application as if it was abandoned, it is not clear whether the subject application was abandoned, in fact. If, however, it is determined that the subject application was abandoned, Applicants petition for revival of the application. The fee required under 37 C.F.R. §1.17(m) is enclosed. If it is determined that the petition is not required, Applicants request that the fee be refunded.

Any questions concerning this Petition can be addressed to the undersigned,
who can be reached at 312.321.4276.

BRINKS HOFER
GILSON & LIONE
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(312) 321-4200

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', written over a horizontal line.

G. Peter Nichols
Reg. No. 34,401
Attorney for Applicants